

Notice of Allowability

Application No.

10/717,942

Examiner

Michael E. Keefer

Applicant(s)

BAI ET AL.

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 10/17/2007 and interview 10/25/2007.

2. ☒ The allowed claim(s) is/are 1-10, 12-20, 22, 25, 26 and 30.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

NATHAN FLYNN
SUPERVISORY PATENT EXAMINER

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Scott Thorpe on 10/25/2007.

The application has been amended as follows:

In line 15 of claim 1, the phrase --of the selected communication channel-- has been inserted between the words "counter" and "if".

In line 17 of claim 1, the phrase --of the failed selected communication channel-- has been inserted between the words "counter" and "while".

In line 18 of claim 1, the phrase --of the failed selected communication channel-- has been inserted between the words "counter" and "when".

In line 16 of claim 7, the phrase --of the selected communication channel-- has been inserted between the words "counter" and "if".

In line 18 of claim 7, the phrase --of the failed selected communication channel-- has been inserted between the words "counter" and "while".

In line 19 of claim 7, the phrase --of the failed selected communication channel-- has been inserted between the words "counter" and "when".

In line 11 of claim 15, the phrase --of the selected communication channel-- has been inserted between the words "counter" and "if".

In line 13 of claim 15, the phrase --of the failed selected communication channel-- has been inserted between the words "counter" and "while".

In line 13 of claim 15, the phrase --of the failed selected communication channel-- has been inserted between the words "counter" and "when".

In line 6 of claim 19, the phrase --of the selected communication channel-- has been inserted between the words "counter" and "if".

In line 11 of claim 19, the phrase --of the failed selected communication channel-- has been inserted between the words "counter" and "while".

In line 12 of claim 19, the phrase --of the failed selected communication channel-- has been inserted between the words "counter" and "when".

In line 7 of claim 25, the phrase --of the selected communication channel-- has been inserted between the words "counter" and "if".

In line 12 of claim 25, the phrase --of the failed selected communication channel-- has been inserted between the words "counter" and "while".

In line 13 of claim 25, the phrase --of the failed selected communication channel-- has been inserted between the words "counter" and "when".

In line 10 of claim 30, the phrase --of the selected communication channel-- has been inserted between the words "counter" and "if".

In line 12 of claim 30, the phrase --of the failed selected communication channel-- has been inserted between the words "counter" and "while".

In line 13 of claim 30, the phrase --of the failed selected communication channel-- has been inserted between the words "counter" and "when".

2. The following is an examiner's statement of reasons for allowance: The limitation recited in the amended independent claims 1, 7, 15, 19, 25, and 30, "maintaining a count of the counter of the failed selected target channel ... and decrementing the counter of the failed selected communication channel when the task is successfully processed on the different channel" is not disclosed or taught by the prior art..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Keefer whose telephone number is (571) 270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 10/25/2007